

Translation

PATENT COOPERATION TREATY

PCT/AT2003/000318



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference R 42450	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/AT2003/000318	International filing date (day/month/year) 22 October 2003 (22.10.2003)	Priority date (day/month/year) 12 December 2002 (12.12.2002)
International Patent Classification (IPC) or national classification and IPC B23K 9/173, 9/12		
Applicant FRONIUS INTERNATIONAL GMBH		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 3 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 10 April 2004 (10.04.2004)	Date of completion of this report 12 April 2005 (12.04.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

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I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages _____ 1-13 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____ 1-14 _____, filed with the demand
 _____, filed with the letter of 30 December 2004 (30.12.2004)
- ☒ the drawings:
 pages _____ 1/5-5/5 _____, as originally filed
 pages _____, filed with the demand
 _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	4-11, 14	YES
	Claims	1-3, 12, 13	NO
Inventive step (IS)	Claims		YES
	Claims	1-14	NO
Industrial applicability (IA)	Claims	1-14	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following documents:

D1: GB-A-999 509

D2: WO-A-97 45227

D3: FR-A-2 512 717.

2. The present application fails to meet the requirements of PCT Article 33(2) because the subject matter of claim 1 lacks novelty.

D1 discloses:

a protective cap (9, see figure 4) for two contact tubes (6, 7) of a welding torch, each of which tubes comprises a drill hole for the conveyance and contacting of one welding wire (1) in each case, said cap comprising a housing for receiving the contact tube, the housing being made of - or coated with - a material that is a poor conductor of electricity (see page 3, lines 37-41) and having a drill hole from which the welding wire exits, two openings being provided in the housing for receiving at least two contact

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tubes (6, 7) and each of said openings being connected, in each case, to one drill hole; and each drill hole being so arranged that - when the protective cap is in the assembled state - it coincides with the path of the welding wire in the contact tube and, in consequence, a welding wire that is introduced can exit at a welding point via the drill holes of each contact tube and each drill hole of the protective cap; and at least one further opening being provided to receive further elements of the welding torch, in particular to receive a sub-region of a torch body with the at least one contact tube secured therein, all the conductive elements of the welding torch being covered by the protective cap (see figure 4: part 7 of the contact tube is covered).

In addition, a flange is mounted on an outer surface of the housing. This flange provides securing elements for connection to the protective element 8. A connection could also be made to a gas jet of the welding torch, instead of to said protective element. Since the reference to the gas jet in claim 1 constitutes only one possible use of the securing elements, novelty is not thereby substantiated.

3. Dependent claims 2-14 contain no features which, combined with the features of any claim to which they refer, meet the PCT requirements for novelty and/or inventive step. The reasons are as follows:

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the additional features of claims 2, 3, 12
and 13 are known from D1;

the additional feature of claim 4 is obvious
from D1, and also from D2 (SiN₄);

the additional features of claims 9 and 10 are
known from D3;

the additional features of claims 5-8, 11
and 14 are obvious.